

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1742 - SB 1589

March 27, 2011

SUMMARY OF BILL: Broadens the Class E felony of aggravated cruelty to animals to include livestock and equine animals.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$14,100/Incarceration*

Assumptions:

- Under Tenn. Code Ann. § 39-14-212, aggravated cruelty to animals only applies to companion animals and specifically does not apply to equine animals or to animals defined as livestock in Tenn. Code Ann. § 39-14-201.
- According to the Department of Correction (DOC), there were four admissions for aggravated cruelty to animals in 2010, and zero admissions in previous years. DOC assumes broadening the offense to include all animals will result in a 10 percent (0.40) increase in admissions or one additional offender every other year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class E every other year.
- According to DOC, the average operating cost per offender per year for calendar year 2011 is \$60.62. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,119.80 (\$60.62 x 463.87 days). The annualized time served per conviction is 231.94 days (0.50 annual number of convictions x 463.87 days served). The annualized cost per conviction is \$14,060.20 (\$60.62 x 231.94 days).
- Any additional increase in case loads of state trial courts can be accommodated within existing judicial resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc